

REMARKS

In the action of June 23, 2009, the examiner rejected claims 3, 6 and 11 under 35 U.S.C. § 102 as anticipated by Kawamata; and rejected claim 9 under 35 U.S.C. § 103 as unpatentable over Kawamata.

Applicant has amended claim 6 to clarify the invention. In particular, claim 6 now more carefully specifies the position and arrangement of the “open sections” of the flexible container. In particular, the open sections (23 and 25 in Figure 1), which are in fluid communication with the interior volume of the container, extend above the gusset 40. This structure, as mentioned in the specification, allows the gusset to expand fully, permitting the bag to fill completely. There is no similar structure in Kawamata, particularly Figure 23 thereof. The sealed portions 4 are completely sealed above the sidewalls 3 (gussets) in Figure 23. There are no open sections in the sealed portions 4 which 1) extend from the side edges of the bag, which 2) are in fluid communication with the interior of the bag and which 3) extend above the gussets 3.

Also, note that the claimed wing portions in Claim 6 have inner edges which extend down to the central portion separately from the spout element. In Kawamata, the wing portions 4 are sealed directly to the spout element over the length of the spout and are not separate therefrom.

Again, the particular structure set forth in claim 6 allows the container to fill completely, while also laying flat when the container is unfilled, allowing the filled container to accommodate to irregular interior configurations. This is advantageous in personal hygiene devices. Accordingly, claim 6 is patentable over Kawamata. Since the remaining claims, 3, 9 and 11 are dependent upon claim 6, those claims are also allowable.

Allowance of the application is now respectfully requested.

The Commissioner is authorized to charge any deficiency or credit any over payment to Deposit Account 14-1270.

Respectfully submitted,

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